IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19231 of 2004

Between:

Smt. B. Anasuyamma, W/o. Tirupathi Reddy,
Madavapalli Village, Komarolu Mandal, Prakasam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Markapuram, Prakasam District.
2 The Joint Collector, Prakasam District, Ongole.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in issuing the impugned proceedings in No. D.D.S.H/1649/2004, Dt. 23-9-2004, and the action of the 2nd respondent in notpassing any order in the appeal filed before him as arbitrary, illegla and in violation of principles of natural justice.

Counsel for the Petitioner: MR.RAMA RAO GANTA

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

The petitioner is the authorised dealer of the Fair Price Shop of Madavapalli Village, Komarolu Mandal, Prakasam District.

The authorisation of the petitioner was cancelled by the first respondent-Revenue Divisional Officer, Markapuram, Prakasam District by order dated 23-09-2004, which is under challenge in this writ petition.

It is relevant to note that against the impugned order, the petitioner has already availed the statutory remedy of appeal and the same is pending before the second respondent-Joint Collector, Prakasam District, Ongole. As can be seen from the proceedings of the second respondent dated 05-10-2004, the relevant record was called for from, the Revenue Divisional Officer and the appeal was posted for hearing on 11-10-2004. However, the petitioner states that the appeal was not taken up on 11-10-2004 and no further date has been fixed so far. Hence, this writ petition contending that the inaction on the part of the second respondent is arbitrary and illegal.

Though the learned counsel for the petitioner raised various contentions regarding the correctness of the allegations made against the petitioner, since the statutory appeal is pending, I am not inclined to express any opinion of merits. Instead, I deem it appropriate to dispose of the writ petition with a direction to the

second respondent-Joint Collector, Prakasam District, Ongole to dispose of the appeal pending on his file, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

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14-10-2004

Note: Issue C.C. by three days

(B/o)

kdl

To

1 The Revenue Divisional Officer, Markapuram, Prakasam District.
2 The Joint Collector, Prakasam District, Ongole.

3 Two C.Cs. to the Government Pleader for Civil Supplies, High 4

Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.